

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATHEN BARTON,

Plaintiff,

v.

THE LITIGATION PRACTICE GROUP PC,
DANIEL S. MARCH, JOHN DOE 1-10,

Defendants.

No. 3:22-cv-5483

NOTICE OF REMOVAL

(Clark County Superior Court
Cause No. 22-2-01281-06)

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants The Litigation Practice Group PC (“Litigation Practice”), and Daniel S. March (“March”) (collectively, “**Defendants**”) hereby remove the above-identified action, originally filed in the Superior Court of the State of Washington for the County of Clark, Cause No. 22-2-01281-06, to the United States District Court for the Western District of Washington.

In support of removal, Defendants state the following:

1. Plaintiff filed his Complaint in the Superior Court of the State of Washington, Clark County, captioned *Nathen Barton v. The Litigation Practice Group PC, et al.*

2. Plaintiff’s Complaint asserts, *inter alia*, claims under the Telephone Consumer Protection Act, 47 U.S.C. § 227, against Defendants.

NOTICE OF REMOVAL - 1

HILLIS CLARK MARTIN & PETERSON P.S.
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1 3. This action is a civil action of which this Court has original jurisdiction under
2 28 U.S.C. § 1331 and is one which Defendant is entitled to remove to this Court under 28
3 U.S.C. § 1441, in that the action includes a claim arising under the laws of the United States,
4 specifically the Telephone Consumer Protection Act, 47 U.S.C. § 227.

5 4. This Court has supplemental jurisdiction over Plaintiff's state law claims,
6 under 28 U.S.C. § 1367, in that they arise out of the same case or controversy as the federal
7 claims alleged.

8 5. This Notice is filed within the 30-day period prescribed in
9 28 U.S.C. § 1446(b). Plaintiff filed his complaint in the Clark County Court on May 26, 2022.
10 The first time any of the Defendants became aware of that complaint was on June 1, 2022
11 when the complaint was purportedly served on them. Removal to this Court is proper because
12 this is the "district and division embracing the place where [the state court] action is pending."
13 28 U.S.C. § 1441(a).

14 6. Removal of this action to the United States District Court for the Western
15 District of Washington is proper pursuant to 28 U.S.C. § 1441(a) because this District
16 encompasses the Superior Court of the State of Washington, County of Clark, the forum in
17 which this action is pending. This Court has original jurisdiction over this action under
18 28 U.S.C. § 1331, and this action may be removed to this Court by Defendants pursuant to the
19 provisions of 28 U.S.C. § 1441(b).

20 7. Pursuant to 28 U.S.C. § 1446(a), the Defendants have attached hereto true and
21 correct copies of all process, pleadings, and orders served upon it as of the date of this Notice
22 of Removal of Action. A copy of the summons, complaint and Declaration are attached as
23 Exhibit 1. See 28 U.S.C. § 1446(a); LCR 101(b).

24 8. Venue in the Western District of Washington is proper because the complaint
25 was filed in the Clark County Superior Court, which is situated in the Western District of
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1 Washington. 28 U.S.C. § 1441(a). A copy of this Notice of Removal of Action will be filed
2 with the Clerk of the Superior Court of the State of Washington, County of Clark, and served
3 upon Plaintiff.

4 9. Promptly after the filing of this Notice of Removal, Defendants will give
5 written notice thereof to Plaintiff and will file a copy of this Notice with the Superior Court of
6 the State of Washington, Clark County.

7 WHEREFORE, Defendants hereby give notice that the above-captioned action filed by
8 Plaintiff is hereby removed to this Court; and that

9 Further proceedings in the above-captioned action in the Superior Court of the State of
10 Washington, County of Clark, should be discontinued, and this action should be removed to the
11 United States District Court for the Western District of Washington, and no further proceedings
12 in this action should be concluded in this Court as provided by law.
13

14 DATED this 1st day of July, 2022.

15 HILLIS CLARK MARTIN & PETERSON P.S.

16 By s/ Eric D. Lansverk

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23 *Attorneys for Defendants*
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27
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served via regular U.S. mail
this 1st day of July, 2022, upon the following:

Nathen Barton
4618 NW 11th Cir.
Camas, WA 98607
Pro Se Plaintiff

DATED this 1st day of July, 2022, at Seattle, Washington.

s/ Eric D. Lansverk

Eric D. Lansverk, WSBA #17218
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NOTICE OF REMOVAL - 4

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